

INITIAL STATEMENT OF REASONS
Article 2.5 Driving Under the Influence Program
Termination of Suspension or Revocation

The state of California is a member of the Driver License Compact (operated through the American Association of Motor Vehicle Administrators) that shares information regarding drunk drivers and other serious traffic offenders. Serious offenses such as drunk driving, vehicle manslaughter, reckless driving, etc., are no less serious when committed in another jurisdiction than when committed in the driver's home state.

The Driver License Compact provides uniformity among the member jurisdictions when exchanging information with other members on convictions, records, licenses, withdrawals, and other data pertinent to the licensing process. Compact members will not issue licenses to an applicant whose license has been suspended by another state in the compact and the suspension period has not terminated. Additionally, applicants for a license to drive in a Compact member state must surrender the license issued by any other member state. California has codified these requirements in Vehicle Code Section 15024.

Because of this, often times residents who relocate out of California are unable to obtain a driver license in their new state due to a suspension or revocation on their record. Licenses are typically not issued until the suspension or revocation has been lifted.

California Vehicle Code section 13353.5 permits the department, upon application by the license holder, to terminate a mandatory suspension or revocation of a person's drivers license if that person is a resident of another state. Vehicle Code section 12505 identifies acceptable proof of residency for the purposes of obtaining a driver license. Additionally, Vehicle Code section 516 identifies acceptable proof of residency for the purpose of vehicle registration.

The department has determined that revision of the existing regulatory language is necessary to more specifically identify documents that are acceptable as proof of residency. Additionally, the department has developed new standardized applications and forms to be used with this text.

§ 124.92 Termination of Suspension or Revocation.

The department has revised the Application for Termination of Action (previously DL 589). The DL 4005 (New 10/2003) is a compilation of documents that are required to complete the application. The DL 589 (8/94) Request for Termination of Action Pursuant to CVC 13353.5 was a statement mailed to the driver for completion that only served as an application. Often, additional documents would need to be sent to the applicant. The DL 4005 (New 10/2003) includes the documents most commonly required to be completed prior to approval.

This application package will be mailed to an individual upon request. After the individual has completed the form and returned it to the department, the application will be reviewed for eligibility and compliance with applicable requirements.

Subparagraph (a) has been revised to identify the Application for Termination of Action §13353.5 California Vehicle Code. The former subparagraph (a) (3) would be deleted as redundant. This application is only available to those individuals who maintain a principal residence in another state.

In its place, the department has added language which requests a telephone contact number if one is available. Because the department realizes that contact telephone numbers may not be available because the individual has relocated to another state, it is not considered mandatory.

Subparagraph (a) (5) would be amended for clarity. Subparagraph (a) (6) would also be amended for clarity by including the requirements of the Vehicle Code sections referenced into the language of the regulation.

Subparagraph (b) would be added to better identify those documents that would be acceptable to the department as proof of out-of-state residency. The documentation identified in subparagraphs (b) (1) through (b) (6) are consistent with Vehicle Code sections 516 and 12505 with respect to residency for either licensing or vehicle registration purposes. However, additional documentation issued by government agencies in other states could also be used. Because it would be impossible to identify each and every document that could be issued by the government to determine residency, the department proposes to add at subparagraph (b) (7).

Individuals convicted under Vehicle Code section 13352 or 13352.4 are required to attend and complete an alcohol or drug treatment program that can be anywhere from 3 to 30 months in duration. If the department does not receive proof of enrollment and/or completion of the program, the department issues a suspension or revocation of the individual's driver license. The department proposes to add subparagraph (c) to eliminate a possible loophole that could allow repeat offenders to avoid participating in an alcohol treatment program by repeatedly requesting termination of suspensions or revocations because they are not a resident of California.

Subparagraph (d) (formerly subparagraph (b)) would be amended to more clearly describe the DL 4006 and make a minor change in the language. The department is amending the language from "shall" to "may" because there are occasions when additional actions may be pending against the driving privilege. In this event, although the requirements under Vehicle Code section 13352 or 13352.4 have been met, the department would still be unable to terminate the suspension.

Additional Vehicle Code sections have been added as references. Section 516 has been added to provide information regarding what the department has viewed as acceptable verification of residency. This section also shows that no specific document requirements have been established for driver licenses.

Vehicle Code section 13352.4 specifies the requirement for satisfactory completion of a driving under the influence program. It also requires that the department not restore the privilege to operate a motor vehicle until the department receives proof of the

completion of the program. Section 13353.4 requires the department to receive proof of financial responsibility prior to reinstating a driving privilege.

Vehicle Code section 15024 prohibits issuance of a license to a driver by states that are members of the Driver License Compact if the applicant is the holder of a suspended license until that suspension period has ended.

§124.93. Reissuance of California Driver License.

Subparagraph (c) would be amended to indicate the latest revision date of the DL 101. This form has been changed to include:

1. The addition of a distinct field for use by department staff only for including identifying information that will help the department match information provided by the DUI treatment program to records in the department's database for accurate updating to the database.
2. A checkbox was added to allow DUI treatment programs to indicate that a participant who has been convicted of a violation of Section 23410 of the Vehicle Code and who is between the ages of 18 and 20 years old has completed the education component of a DUI program.
3. The checkbox that indicated the First Offender Program completion has been replaced with a First Offender line to allow the provider to specify the number of program months completed by the participant.
4. The checkbox that indicated a multiple offender completion has been removed because it was redundant and unnecessary.
5. A space for including the violation date on the certificate was added. This was necessary to allow the department to determine what the reinstatement requirements are, because those requirements change based on the violation date.
6. The designation for the "Court Case" number was changed to "Court Code" which is more useful to the department in identifying which court adjudicated the program participant's DUI case.
7. The word "required" was removed from the ADP License field as redundant because all the information asked for on the certificate is required.
8. The perjury statement was modified to conform to the Evidence Code.
9. A field was added to capture the printed name of the program representative who is authorized to sign the form, because the signed name is not always easily decipherable.
10. The instructions to the participant were modified to reflect the process changes for submitting the certificates. Because the participant will no longer be allowed to submit the certificate, the instructions will now be addressed to the program provider.

